

Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require EPA’s consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 272 note).

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 28, 2023.

Frank Ellis,
Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

- 1. The authority citation for part 180 continues to read as follows:
Authority: 21 U.S.C. 321(q), 346a and 371.
- 2. Revise § 180.1206 to read as follows:

§ 180.1206 *Aspergillus flavus* strain AF36; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the microbial pesticide *Aspergillus flavus* strain AF36 in or on all food and feed commodities of almond; corn, field; corn, pop; corn, sweet; cotton; fig; and pistachio when used in accordance with label directions and good agricultural practices.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 20–270; FCC 22–94; FR ID 139226]

Schedule of Application Fees; Correction

AGENCY: Federal Communications Commission.
ACTION: Correcting amendments.

SUMMARY: On January 31, 2023, the Federal Communications Commission

(Commission) revised the Commission’s rules. That document had two clerical errors in the fee amounts for two types of Commercial AM Radio Stations applications: Minor Modification, Construction Permit and New License. This document is submitted to correct the final regulations.

DATES: Effective May 8, 2023.

FOR FURTHER INFORMATION CONTACT: Roland Helvajian, Office of Managing Director, at (202) 418–0444.

SUPPLEMENTARY INFORMATION: This is a summary of the FCC’s Erratum, FCC 22–94, published January 31, 2023 (88 FR 6169). This is the first set of corrections.

List of Subjects in 47 CFR Part 1

Administrative practices and procedures.

Accordingly, 47 CFR part 1 is corrected by making the following correcting amendments:

PART 1—PRACTICE AND PROCEDURE

- 1. The authority citation for part 1 continues to read as follows:
Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.
- 2. In § 1.1104, revise Table 2, Commercial AM radio stations, to read as follows:

§ 1.1104 Schedule of charges for applications and other filings for media services.

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TABLE 2 TO § 1.1104

Commercial AM radio stations		
Type of application	Payment type code	Fee amount
New or Major Change, Construction Permit	MUR	\$4,440/application.
New or Major Change, Construction Permit	MVR	\$5,085/application.
Minor Modification, Construction Permit	MVU	\$1,815/application.
New License	MMR	\$720/application.
AM Directional Antenna	MOR	\$1,405/application.
License Renewal	MGR	\$365/application.
License Assignment (2100 Schedule 314 & 159 (long form)	MPR	\$1,120/station.
License Assignment (2100 Schedule 316 & 159 (short form)	MDR	\$475/station.
Transfer of Control (2100 Schedule 315 & 159 (long form)	MPR	\$1,120/station.
Transfer of Control (2100 Schedule 316 & 159 (short form)	MDR	\$475/station.
Call Sign	MBR	\$190/application.
Special Temporary Authority	MVV	\$325/application.
Biennial Ownership Report	MAR	\$95/station.

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Federal Communications Commission.

Marlene Dortch,
Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 230502–0118]

RIN 0648–BK09

Fisheries Off West Coast States; Highly Migratory Fisheries; Amendment 6 to the Fishery Management Plan for West Coast Fisheries for Highly Migratory Species; Authorization of Deep-Set Buoy Gear

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rule implements Amendment 6 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP), which authorizes deep-set buoy gear (DSBG) as a legal gear type for targeting swordfish and catching other highly migratory species (HMS) off the U.S. West Coast. The rule establishes a limited entry (LE) permitting regime for use of DSBG in the Southern California Bight (SCB). DSBG fishing will be permitted on an open-access basis outside of the SCB, in Federal waters off of California and Oregon, for all vessels possessing a general HMS permit with a DSBG endorsement. DSBG fishing will not be permitted in Federal waters off of Washington. This final rule includes definitions for two configurations of DSBG—standard and linked—and specifies the LE management area, permitting process, and requirements for use of the gear.

DATES: This rule is effective June 7, 2023.

ADDRESSES: Copies of the Regulatory Impact Review (RIR) and other supporting documents are available via the Federal eRulemaking Portal: <https://www.regulations.gov>, docket NOAA–NMFS–2022–0141, or contact Highly Migratory Species Branch Staff, Karter Harmon, Karter.Harmon@noaa.gov, or WCR.HMS@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Amber Rhodes, NMFS, (202) 936–6162,

Amber.Rhodes@noaa.gov, or Karter Harmon, NMFS, (317) 517–7783, Karter.Harmon@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On January 9, 2023, NMFS published a notice of availability of Amendment 6 to the Fishery Management Plan for West Coast Highly Migratory Species Fisheries (HMS FMP), which would authorize fishing using deep-set buoy gear (DSBG) in Federal waters offshore of California and Oregon (88 FR 1171). A proposed rule with implementing regulations was published in the **Federal Register** on February 6, 2023 (88 FR 7661). Public comment on the proposed rule closed on March 8, 2023. Public comment on the Amendment closed on March 10, 2023. On April 7th, 2023, NMFS approved the amendment.

Following on NMFS' approval of Amendment 6, this final rule contains the implementing regulations to authorize DSBG consistent with the permitting regimes described in the amendment and the management measures described in the proposed rule. Additional management measures contained in 50 CFR part 300, subpart C (applicable to eastern Pacific tuna fisheries), and 50 CFR part 660, subpart K (applicable to all HMS fisheries off the West Coast States, which apply to fishing under HMS permits more broadly (*i.e.*, annual catch limits on HMS and monitoring provisions)), may also apply to DSBG fishing under the final rule.

Following submission of the proposed rule for publication, Congress passed, and the President signed, the Driftnet Modernization and Bycatch Reduction Act. The law revises the definition of “large-scale driftnet fishing” to include the drift gillnet (DGN) gear currently permitted under the HMS FMP. The law directs the Secretary of Commerce to phase out DGN fishing in Federal waters within 5 years of enactment and to implement a transition program to facilitate that phase-out that includes permitting of alternative fishing practices and issuance of grant awards to eligible permit holders.

The legislated closure of the DGN fishery affects the overall U.S. West Coast-based swordfish fishery. As discussed in the proposed rule, swordfish supply to the U.S. West Coast is dominated by foreign imports and drift gillnet has been the primary commercial gear type used to catch swordfish in Federal waters off the West Coast. Though the majority of domestic swordfish landings to the West Coast come from the Hawaii-based longline fishery, that fishery operates outside of

Federal waters off the West Coast due to existing restrictions on the use of longline gear inside Federal waters. This rule would authorize DSBG as an alternative commercial gear type under the FMP. However, the Council did not recommend that the drift gillnet fishery be phased-out or transitioned to alternative gear types prior to recommending authorization of DSBG. Therefore, the supporting analyses examine impacts of authorizing DSBG as an additional legal gear type for commercially harvesting swordfish from Federal waters off the U.S. West Coast; however, NOAA Fisheries does address the potential cumulative impacts of this action and the Federal legislation in a final Environmental Impact Statement (88 FR 13443, March 3, 2023).

Additional background information on DSBG, Council processes and recommendations, as well as detailed discussion of the regulations were provided in the preamble of the proposed rule and are not repeated here.

However, the points of contacts, included in the preamble of the proposed rule, for obtaining or addressing concerns with state and Federal records are updated as follows:

(1) NMFS—Karen Palmigiano (562–980–4043 or wcr-permits@noaa.gov) for WCR Observer Program, logbook, and EFP records.

(2) California—Elizabeth Hellmers (619–871–2231 or Elizabeth.Hellmers@wildlife.ca.gov) for California Department of Fish and Wildlife (CDFW) license, DGN buyback, and marine landing receipt records.

II. Final Regulations

This final rule authorizes DSBG as a legal gear type under the HMS FMP, and enables permitting of an open access fishery in Federal waters south of the Oregon-Washington border (46°16' N latitude) outside of the SCB, and a LE fishery in the SCB.

The new regulations in this rule revise the current definition in § 660.702 of “commercial fishing” to make a minor grammatical change, and of “commercial fishing gear,” to include DSBG. Several new definitions are also applicable to the rule.

This rule updates prohibitions listed in § 660.705 to require possession of a valid general HMS permit in order to deploy DSBG or have DSBG aboard a vessel, along with prohibitions on the use of DSBG inside the SCB without possession of a valid LE DSBG permit, prohibitions on the use of DSBG north of the Oregon-Washington border (46°16' N latitude), and other corresponding prohibitions.